

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**CEDRIC M. WRIGHT,**  
Plaintiff,  
vs.

Cause No. 12-CV-107-AGF

**FRANCIS SLAY,**  
Defendants.

DEPOSITION OF BENJAMIN GOINS, JR.  
Taken on behalf of the Plaintiff  
April 23, 2013

Reported by Victoria Menaugh Fauser  
CCR No. 903  
CSR Missouri and Illinois

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DEPOSITION of BENJAMIN GOINS, JR., produced, sworn, and examined on behalf of the Plaintiff on April 23, 2013, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day at the Office of the St. Louis City Counselor, 314 City Hall, in the City of St. Louis, State of Missouri, before VICTORIA MENAUGH FAUSER, Certified Court Reporter in Missouri and Illinois and a Missouri Notary Public.

**PLAINTIFF'S EXHIBITS**

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1 well, if -- I took him from the holding cell to the  
 2 courtroom, the courtroom to the transfer hold.  
 3 Q Okay. So Cedric went to court on August 22nd, 2011  
 4 and he -- I'll hand you what we've marked as Exhibit 5. And  
 5 he received this order from the court, from the judge  
 6 ordering him to be released. What it says is "Comes now  
 7 Assistant Circuit Attorney Patrick Carmody and requests the  
 8 release of Cedric Wright in the above matter due to the fact  
 9 that he is not the proper defendant in this case." Do you  
 10 see that?  
 11 A I don't remember --  
 12 MR. EMERSON: Hang on. She's just asking --  
 13 A Yeah, I see that.  
 14 Q (By Ms. Shoulberg) Cedric Wright received this  
 15 order from the judge. If you were in -- the sheriff's deputy  
 16 on duty and in this courtroom Division 26 and one of your  
 17 prisoners, one of your inmates who you had brought to court  
 18 received this order and the judge said he was to be released  
 19 what would you do with this order?  
 20 A I verify it through the bailiff and then I probably  
 21 take it to Ruth Ann.  
 22 Q Would you take this piece of paper and the prisoner  
 23 or just the --  
 24 A No, I take a copy -- I take this to Ruth Ann if  
 25 this ever came my way.

1 Q Right, it was a long time ago. But you remember in  
 2 general seeing orders like this in the past where the judge  
 3 says that the person is to be released?  
 4 A Yeah, then I submit it.  
 5 Q But you remember seeing court orders where the  
 6 judge ordered somebody to be released because they were not  
 7 the proper --  
 8 A But they still have to go through the chain of  
 9 command.  
 10 Q Absolutely. Absolutely. I'm just asking whether  
 11 or not you've seen an order like this before.  
 12 MR. EMERSON: He's answered. He said he has.  
 13 A Yeah.  
 14 Q (By Ms. Shoulberg) After you receive this court  
 15 order you take it to Ruth Ann?  
 16 A Yeah.  
 17 Q What happens after that?  
 18 A She give me the okay or --  
 19 Q So you'll stand there and Ruth Ann will tell you  
 20 yes you can let him go?  
 21 A Yes or no.  
 22 Q Or no --  
 23 A It's a yes or no.  
 24 Q Just a yes or no?  
 25 A Yeah.

1 Q Who is you Ruth Ann?  
 2 A She's the Lieutenant that's over me.  
 3 MR. EMERSON: The next deponent.  
 4 Q (By Ms. Shoulberg) So is Ruth Ann your supervisor?  
 5 A Yes.  
 6 Q Does she supervise all of the sheriff's deputies?  
 7 A Yes.  
 8 Q Do you remember ever seeing this before?  
 9 A I don't remember, to be honest with you.  
 10 Q Have you ever seen an order like this before where  
 11 the judge is ordering somebody to be released because he's  
 12 not the proper defendant?  
 13 A Yes, I have but --  
 14 Q How many times do you think you've seen that?  
 15 A One or two over the years. But I know how it look  
 16 like.  
 17 Q You know how this looks like or you know what  
 18 order --  
 19 A I know what a court order is.  
 20 Q You know what a court order is?  
 21 A Yeah.  
 22 Q So you do remember --  
 23 A I don't remember this.  
 24 Q You don't remember this specific one?  
 25 A 2011 I don't remember.

1 Q Will she give you any further explanation?  
 2 A I mean, she will tell me where he go and where he  
 3 don't go.  
 4 Q What do you mean where he goes and where he doesn't  
 5 go?  
 6 A If I'm supposed to release him or not.  
 7 Q If she tells you that you're supposed to release  
 8 him what happens after that?  
 9 A Then I release him.  
 10 Q You release him from custody right there?  
 11 A No. I have to go -- still you have to go to  
 12 transfer hold.  
 13 Q So you'll go to transfer hold and then what  
 14 happens?  
 15 A And then they have to go through the City jail.  
 16 Q So do you go back to transfer hold and tell  
 17 somebody that he's supposed to be released?  
 18 A We still have to run his name.  
 19 Q Who runs his name? Do you run his name?  
 20 A No, I cannot -- I don't touch nothing like that.  
 21 Q So if Ruth Ann --  
 22 A Everything go through Ruth Ann.  
 23 Q Right. Absolutely. I'm just trying to find out  
 24 what the kind of order is because I'm not familiar with the  
 25 process. I'm not trying to frustrate you or confuse you.